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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/301,507	04/28/99	CYNADER M	230018.401C1

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EXAMINER	
MARTINELL,J	
ART UNIT	**PAPER NUMBER**
1633	2

DATE MAILED: 09/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/301,507	Applicant(s) Cynader et al
	Examiner James Martinell	Group Art Unit 1633

☐ Responsive to communication(s) filed on _____ .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *1* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-56* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims *1-56* are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial No. 09/301,507

Art Unit 1633

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim 1, drawn to a cDNA library from a kitten, classified in class 536, subclass 23.1.

II. Claim 2, drawn to a cDNA library from a kitten and an adult cat, classified in class 536, subclass 23.1.

III. Claim 3, drawn to a cDNA library from a dark reared adult cat, classified in class 536, subclass 23.1.

IV. Claims 8-22, drawn to polynucleotides, classified in class 536, subclass 23.1.

V. Claims 23-25, drawn to human genes that hybridize to certain SEQ ID NOs, classified in class 536, subclass 23.1.

VI. Claim 26, drawn to antisense polynucleotides, classified in class 536, subclass 23.1.

VII. Claim 27, drawn to triple helix probes, classified in class 536, subclass 23.1.

VIII. Claims 40-54, drawn to peptides encoded by certain

SEQ ID NOs, classified in class 424, subclasses 12 and 15.

IX. Claims 55 and 56, drawn to recombinant binding partners of various types, classified in class 530, subclass 387.1.

Claims 4-6 and 28-39 are ungrouped because they are improper multiple dependent claims.

The inventions are distinct, each from the other for the following reasons. The polynucleotides and cDNA libraries of Groups I-VII are materially different from and are therefore independent and distinct from the peptides and binding partners of Groups VIII and IX. The cDNA libraries of Groups I-III are independent and distinct from one another because they are from different sources and contain different cDNAs. Likewise, the polynucleotides identified by SEQ ID NOs in Group IV are independent and distinct from those of each of Groups I-III because Group IV contains different polynucleotides from any one of Groups I-III. The human genes of Group V are independent and

distinct from the feline cDNA libraries of each of Groups I-III and the feline sequences of Group IV. The antisense polynucleotides of Group VI are independent and distinct from each of Groups I-V because the antisense polynucleotides are not required to have any sequences in common with the polynucleotides of Groups I-V. Likewise, the Group VII triple helix probes are independent and distinct from Groups I-VI because the triple helix probes are not required to have any sequences in common with the polynucleotides of Groups I-VI. The peptides of Group VIII are independent and distinct from the antibodies and recombinant binding partners of Group IX.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and/or because of their recognized divergent subject matter restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be

examined even though the requirement be traversed (37 CFR 1.143).

Additionally, should applicants elect any one of Groups IV-IX, applicants are required to elect one nucleotide sequence or one amino acid sequence as a reference sequence because each nucleotide sequence is independent and distinct from every other nucleotide sequence and each polypeptide sequence is independent and distinct from every other polypeptide sequence.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Certain papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Art Unit 1633 at (703) 308-4242. The faxing of such papers must conform with the rules published in the Official Gazette,

1156 OG 61 (November 16, 1993).

Any inquiry concerning this communication should be directed to J. Martinell at telephone number (703) 308-0296.

JAMES MARTINELL, Ph.D.
SENIOR LEVEL EXAMINER